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STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission  
RAIL SAFETY SECTION

COUNTY OF COOK, THE VILLAGE OF )  
EAST HAZEL CREST and THE VILLAGE OF )  
HAZEL CREST, bodies politic and corporate, )

Petitioners, )

v. )

Case No. T05-0051

ILLINOIS CENTRAL RAILROAD )  
COMPANY and THE STATE OF ILLINOIS, )  
DEPARTMENT OF TRANSPORTATION, )

Respondents. )

**ILLINOIS CENTRAL'S ANSWERS TO COOK COUNTY'S  
INTERROGATORIES AND REQUEST TO PRODUCE**

Respondent, Illinois Central Railroad Company ("Illinois Central"), by its attorneys, Freeborn  
& Peters LLP, responds to Cook County's Interrogatories and Request to Produce as follows:

**Rule 213 Interrogatories**

1. Identify each person answering these Interrogatories and each person consulted in the preparation of the answers.

**ANSWER:** Gregory Guthrie, Senior Manager Technical Services, with the assistance of counsel, was consulted in the organization of these answers. Others consulted include John Henriksen, Devin Sprinkle, Tim Kelly, Rod Nagel, Arthur Spiros, Dave Crader, Alan Craine and Robert Walker.

2. Identify all persons with knowledge of the allegations contained in the Petition.

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**ANSWER:** The following individuals have knowledge regarding the allegations contained in the Petition:

Thomas Zeinz, former IC Engineer of Public Works, has knowledge regarding the condition of Illinois Central's property located at and near the 171<sup>st</sup> Street overpass. This will include the condition of the underpass during heavy rains. He also has knowledge regarding improvement projects related to drainage and storm water management in the area of the subject Property. Moreover, he was a participant in meetings involving the parties related to proposed improvements at the 171<sup>st</sup> Street overpass.

David Crader, IC Project Manager, has knowledge regarding the condition of Illinois Central's property located at and near the 171<sup>st</sup> Street overpass from the years prior to 1997 through the present. This will include the condition of the underpass during heavy rains. He also has knowledge regarding improvement projects related to drainage and storm water management in the area of the subject Property.

John Henriksen, IC Manager of Public Works, has knowledge regarding the condition of Illinois Central's property located at and near the 171<sup>st</sup> Street overpass from the years prior to 1997 through the present. This will include the condition of the underpass during heavy rains. He also has knowledge regarding improvement projects related to drainage and storm water management in the area of the subject Property.

Arthur L. Spiros, Rail Property Management, has knowledge regarding owners of the subject Property and surrounding area.

Devin Spinkle, IC Manager of Environmental Compliance, has knowledge regarding storm water drainage of IC property to the 171<sup>st</sup> Street overpass.

Alan Craine, IC Manager of Bridges and Structures, has knowledge regarding documents available regarding the IC portions of the 171<sup>st</sup> Street overpass.

Donald Lewis, IC Manager of Bridges and Structures, retired, is believed to have knowledge regarding maintenance of the IC portion of the 171<sup>st</sup> Street overpass.

Tim Kelly, IC Lead Electrician, has had some responsibility for maintenance of lighting located in the 171<sup>st</sup> Street underpass over the last 25 years. He has knowledge regarding both the type and maintenance of lighting at the 171<sup>st</sup> Street overpass.

Lynne Corrado and William T. Archer, of METRA, have some knowledge regarding the facilities at the subject Property and discussions among the parties regarding proposed improvements to the 171<sup>st</sup> Street area.

Various individuals from Robinson Engineering, including but not limited to Aaron Fundich, Joseph Nordman, and William Dolan, have knowledge regarding the 171<sup>st</sup> Street drainage.

Joseph D. Petraitis, P.E., Earth Tech, has knowledge regarding drainage work and surveys conducted at the Illinois Central yards. Moreover, he has knowledge regarding storm water movement in the area of the Property.

Unknown individuals employed by K-Five Construction, Bowman, Barrett and Associates, STS Consultants, and Airy Construction may have assisted with drainage work on IC property allegedly relevant to the 171<sup>st</sup> Street overpass.

Investigation continues for additional individuals with knowledge.

3. Identify all documents which establish that the Respondent is a registered rail carrier in the State of Illinois.

**ANSWER:** No response required, as respondent admitted it was a registered rail carrier in the

State of Illinois in its Answer to paragraph No. 2 of the Petition.

4. Identify the current owners of the subject property.

**ANSWER:** Illinois Central and METRA share ownership of the railroad bridge on the western side of the 171<sup>st</sup> Street overpass. In addition to owners of the "subject property," on or about March 28, 1957, the Illinois State Toll Highway Commission purchased property rights from the Illinois Central that relate to the issues in the complaint on or about March 28, 1957.

5. Identify the date the current owners took title to subject property.

**ANSWER:** Illinois Central acquired the subject property in stages, as reflected on the real estate deeds which have been made available, at various times between November 5, 1917 and April 30, 1918. METRA obtained certain rights regarding a portion of the subject property on or about April of 1987.

See also the response to Interrogatory No. 4.

6. Identify any conveyances and/or leasehold interests of the subject property during the relevant time period.

**ANSWER:** Respondent objects to this interrogatory in that it seeks information irrelevant to the issues before the Illinois Commerce Commission. Without waiving this objection, see responses to interrogatories Nos. 4 and 5.

7. Identify any buildings and structures on the subject property.

**ANSWER:** Four railroad bridges, along with trackage installed thereon, make up the subject property. The IDOT Bridge Numbers for the structures at the 171<sup>st</sup> Street overpass are identified in paragraph No. 4 of the Petition.

8. Identify the use of the buildings and structures on the subject property during the relevant time period.

**ANSWER:** The bridges over the 171<sup>st</sup> Street overpass allow for a grade separation from the underlying roadway. The purpose of the separation is the safety and convenience of train, pedestrian and vehicle traffic.

9. Identify all documents relating to the construction of the subject property and any improvements made to the subject property.

**ANSWER:** See drawings of the bridge structures and other documents produced in response to petitioner's request for production that have been or will be made available for inspection and copying.

10. Identify all documents relating to the construction and/or installation of a drainage system and maintenance of a drainage system servicing the subject property. The identification shall include the stormwater outlet and drainage ditch referenced in paragraph 13 of the Petition.

**ANSWER:** See drawings of bridge structure and certain studies by Earth Tech regarding storm water management, ditch grubbing and other documents produced in response to petitioner's request for production that have been or will be made available for inspection and copying.

11. Identify all documents relating to the construction and/or installation of a lighting system and maintenance of a lighting system servicing the subject property.

**ANSWER:** See response to Interrogatory No. 9.

12. Identify all documents relating to the cost, maintenance, obligations and responsibilities of the drainage and lighting systems servicing the subject property.

**ANSWER:** Object to the extent it requires a legal conclusion regarding a party's "obligations."

Subject to this objection, see the 1918 ordinance, Quit Claim Deed to METRA, various correspondence between the parties related to the proposed project and other documents produced in response to petitioner's request for production that have been or will be made available for inspection and copying.

13. Identify all persons with knowledge of flooding, lighting and/or drainage problems relating to the subject property.

**ANSWER:** Respondent objects to the term "problems" as used in this interrogatory. Subject to that objection, numerous IC employees use the 171<sup>st</sup> Street underpass on a daily basis and have knowledge regarding the conditions of the underpass as it relates to lighting and water on the street. Ann P. Prater, former Mayor of the Village of East Hazel Crest, also has knowledge regarding the "past ... flooding situation." IC employees John Henriksen, Thomas Zeinz, Dave Crader, Devin Sprinkle and others yet to be identified also have personal knowledge regarding the effect of heavy rain on the 171<sup>st</sup> Street underpass.

14. Identify all documents relating to flooding, lighting and/or drainage problems regarding the subject property.

**ANSWER:** None known, with the exception of letters attached to the petition as exhibit F.

15. Identify all documents pertaining to Respondent's request for permission to elevate and enlarge portions of Respondent's yards and tracks as alleged in paragraph 7 of the Petition.

**ANSWER:** None known.

16. Identify all documents relating to discussions and meetings between Respondent and Petitioners relating to the proposed improvements referenced in paragraphs 14 and 18 of the Petition.

**ANSWER:** See documents produced in response to petitioner's request for production that have been or will be made available for inspection and copying.

17. Identify each and every lay witness that the Respondent intends to call at the hearing of this case pursuant to S.Ct. Rule 213(f)(1), and for each witness state the subject matter of his testimony.

**ANSWER:** Respondent has not yet selected its witnesses.

18. Identify each and every independent expert witness that the Respondent intends to call at the hearing of this case pursuant to S.Ct. Rule 213(f)(2), and for each witness state the subject matter on which the witness is expected to testify and the opinions the Respondent expects to elicit.

**ANSWER:** Respondent has not yet selected its witnesses.

19. Identify each and every controlled expert witness that the Respondent expects to call at the hearing of this case pursuant to S.Ct. Rule 213(f)(3), and for each witness state the subject matter on which the witness will testify, the conclusions and opinions of the witness and the bases therefore, the qualifications of the witness, and any reports prepared by the witness about the case.

**ANSWER:** Respondent has not yet selected its witnesses.

**S.Ct. Rule 214 Production Requests**

1. All documents evidencing Respondent's registration as a rail carrier in the State of Illinois.

**ANSWER:** See response to Interrogatory No. 3.

2. All documents relating to the ownership of the subject property.

**ANSWER:** See deeds produced in response to petitioner's request for production that have been or will be made available for inspection and copying.

3. All documents relating to conveyances or leasehold interests of the subject property.

**ANSWER:** See response to Interrogatory No. 6. See also the deeds produced in response to petitioner's request for production that have been or will be made available for inspection and copying.

4. All documents relating to the construction of buildings and/or structures on the subject property.

**ANSWER:** See the bridge drawings and other documents produced in response to petitioner's request for production that have been or will be made available for inspection and copying.

5. All documents relating to the use of all buildings and/or structures on the subject property.

**ANSWER:** Respondent objects to the request as being overbroad and vague. Without waiving this objection, see documents produced in response to petitioner's request for production



that have been or will be made available for inspection and copying.

6. All documents relating to the construction and improvement of the subject property.

**ANSWER:** See response to request no. 4.

7. All documents relating to the construction and/or installation of a drainage system and maintenance of a drainage system servicing the subject property, including the stormwater outlet and drainage ditch referenced in paragraph 13 of the Petition.

**ANSWER:** See response to request no. 4. In addition, see relevant portions of Earth Tech reports that have been or will be produced for inspection and copying.

8. All documents relating to the construction and/or installation of a lighting system and maintenance of a lighting system servicing the subject property.

**ANSWER:** See response to request no. 4.

9. All documents relating to the cost, maintenance, obligations and responsibilities of the drainage and lighting systems servicing the subject property.

**ANSWER:** See response to Interrogatory No. 12.

10. All documents relating to flooding, lighting and/drainage problems regarding the subject property.

**ANSWER:** None known.

11. All documents relating to Respondent's request for permission to elevate and enlarge portions of its yards and tracks as alleged in paragraph 7 of the Petition.

**ANSWER:** See response to Interrogatory No. 15

12. All documents relating to discussions and meetings between Respondent and Petitioners relating to the proposed improvements referenced in paragraphs 14 and 18 of the Petition.

**ANSWER:** See response to Interrogatory No. 12.

13. All documents Respondents intend to introduce at the hearing of this case.

**ANSWER:** No such list exists at this time.

14. All documents relied upon, prepared, used, viewed, produced, authorized, or known to exist by Respondents or its witnesses which relate to the subject property.

**ANSWER:** See documents produced in response to petitioner's request for production that have been or will be made available for inspection and copying.

15. All documents relating to, referred to, or relied upon by you in preparing your answers to any and all of Petitioner's Interrogatories.

**ANSWER:** Objection to those documents protected by the attorney client privilege. Subject to that objection, see documents produced in response to Petitioner's requests for production which have been or will be made available for inspection.

16. All documents Respondents intend to use at the hearing set in this matter.

**ANSWER:** Unknown at this time.

Respectfully submitted,

ILLINOIS CENTRAL RAILROAD COMPANY,

By:   
One of Respondent's Attorneys

Michael J. Scotti,  
Michael T. Franz  
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311 South Wacker

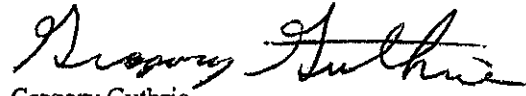
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Chicago, Illinois 60606  
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*Attorneys for Respondent,  
Illinois Central Railroad Company*

Date: January 6, 2006

VERIFICATION

The undersigned, Gregory Guthrie, declares that he has read the foregoing interrogatories and states that the answers provided therein are true, correct and complete to the best of his knowledge and belief.

  
Gregory Guthrie



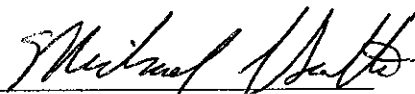
Subscribed and Sworn to before me  
this 6<sup>th</sup> day of January, 2006.

Notary Public



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the attached **ILLINOIS CENTRAL'S ANSWERS TO COOK COUNTY'S INTERROGATORIES AND REQUEST TO PRODUCE** was served on the parties listed on the attached Service List by depositing same in the U.S. Mail, with proper postage prepaid, at 311 S. Wacker Drive, Chicago, Illinois 60606, on January , 2006.

  
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Michael J. Scotti,

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